#

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4433 OF 2006

Ashok Pandurang Sangde & Ors. .. Applicants

Versus

State of Maharashtra .. Respondent

Mr.T.J.Vajhurani for applicants

Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 19th December 2006

P.C.

. Applicants have been arrested in connection with C.R.No.I-75 of 2006 registered with Hill Line Police Station. Offences alleged

are punishable under section 302, 201 and 109 read with 34 I.P.C.

2. The deceased, it is not disputed prima facie, was attempting to commit rape on his own sister and daughter and was outraging their modesty. His family members and other persons repeatedly warned him from doing such act. However, he did not respond. He was repeatedly trying to molest and outrage modesty of his own sister and daughter.

3. It is in these unfortunate circumstances that the assault by the son of the deceased, his sister, his male servant and friend of family took place on 4th April 2006. Allegation is that the deceased was strangulated with Nylon rope and his head pierced and thereafter his dead body was put in a gunny bag and thrown in a deep valley. In this act applicant No.4 has helped others.

4. Investigations are complete and charge

sheet filed. Applicants are under arrest since April 2006. The incident has taken place in unfortunate circumstances. Principles while enlarging the applicants on bail are well settled. The nature of the offence and circumstances in which the same is committed is a relevant factor. It is not as if the crime took place on account of some deep rooted enimity or that the deceased was murdered in a brutal manner for some dispute over money or other property. It has come on record that the deceased was of such a character that in order to satisfy his lust he attempted to sexually assault his own sister and daughter. He outraged their modesty as well. It is angered by such acts of the deceased, that the incident took place. I am informed that there are no antecedents. There is no apprehension that they would not be available at the trial. Hence, with stringent conditions being imposed, following order would, therefore, sub-serve the ends of justice.

i) The applicans (1) Ashok Pandurang Sangde (2) Ashok Shankar Gosavi and (3) Rajesh Waman Shedge arrested in connection with C.R.No.I-75 of 2006 registered with Hill Line Police Station shall be enlarged on bail in the sum of Rs.15,000/- each with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicants will remain present before the concerned investigating officer of Hill Line Police Station at Haji Malang Wadi once a week on every Saturday between 5.00 p.m. and 7.00 p.m. till conclusion of the trial. Applicants shall not leave jurisdiction of Hill Line Police station without prior permission of the trial court, save and except for attending trial.

iii) The order of bail will be given

effect only after the applicants furnish to the investigating officer the details about their place of residence and address where they proposes to stay after they are enlarged on bail. The applicants will not change their residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicants shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicants shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicants to delay the trial may be a ground for cancellation of

bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)